

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Lonny Bristow,

Plaintiff(s),

vs.

William A. Eleby, et. al.,

Defendant(s).

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Case Number: 1:06cv2

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Black filed on February 16, 2006 (Doc. 34), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 3, 2006, hereby ADOPTS said Report and Recommendations.

It is ORDERED that plaintiff's motions for issuance of a temporary restraining order and/or preliminary injunction is DENIED.

It is further ORDERED that plaintiff's motion to proceed *in forma pauperis* is DENIED. Assuming plaintiff is financially qualified, plaintiff has not established he is under imminent danger of serious physical injury such that the exception to the three strike rule exists under 28 U.S.C. § 1915(g). Plaintiff is ordered to pay the \$250.00 filing fee within thirty (30) days but no later than April 25, 2006. Plaintiff is notified that failure to pay the filing fee in full within the time frame will result in the dismissal of this action. See *In re Alea*, 286 F.3d 378, 382 (6<sup>th</sup> Cir.), cert.denied, 537 U.S. 895 (2002).

It is further ORDERED that plaintiff's motion to amend the complaint is DENIED. Plaintiff seeks to name three additional defendants in this case. To permit an amendment in this case for a third time would be futile.

IT IS SO ORDERED.

\_\_\_\_s/Susan J. Dlott\_\_\_\_  
Susan J. Dlott  
United States District Judge